

REMARKS

Applicant has amended claims 14, 17, 18, 20, 21, 23-25, 29, 31, 34 and 36 in order to address the examiner's comments at the beginning of page 2 of the office action. Support for the term "replacing" is found at page 5, line 15 of the specification. Applicant also has corrected the grammar in a paragraph on page 11 of the specification, and amended the top of page 16 of the specification (support for this change is found at lines 12-16 of page 16). The remaining rejection is discussed below.

The claimed invention is not taught by the prior art

On pages 3-4 of the office action, the examiner repeats the rejection of claims 14-17, 20-23, 26, 28, 31, 33-37 as anticipated by U.S. Patent No. 5,561,115. Applicant respectfully traverses this rejection.

Applicant provides another declaration from Dr. Wolfgang Teschner, dated May 3, 2004. In this declaration, Dr. Teschner first explains that the use of caprylate, hexanoic acid, acetate or tartrate to replace citrate results in a several fold reduction in the presence of aluminum and citrate in treated diaconcentrates. See paragraphs 5-8 of the Teschner declaration.

Next, Dr. Teschner again addresses the '115 patent, which is in the name of the Bayer Corporation. The '115 patent discloses the use of 0.04 to 0.08M caprylate, and exemplifies addition of 0.06M caprylate as a partitioning agent to a fraction IV-1 effluent to separate albumin from other proteins. See '115 patent at

column 5, lines 49-54; paragraph 9 of the Teschner declaration. According to Bayer's EP 0 893 450 A1 (Tab 1 of the Teschner declaration), caprylate in these concentrations results in denaturation and precipitation of proteins. In contrast, the claimed invention can be used to obtain medicaments that contain labile blood factors, even in an activated form, because non-precipitating conditions are employed, which avoids both denaturation of the labile proteins and association of citrate with precipitated proteins. See page 6 of the captioned application; paragraph 3 of the Teschner declaration. The replacement of citrate and, if present, citrate-bound metals yields a preparation that will not take up undesired metals from the container during storage.

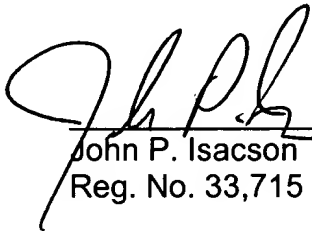
In summary, the '115 patent and the claimed invention concern different approaches to achieve different goals. Accordingly, the '115 patent does not meet the recitations of the claims, and thus cannot anticipate the claims. Applicants therefore request withdrawal of the rejection.

Request

Applicants submit that the claims are in condition for allowance, and respectfully request favorable consideration to that effect. The examiner is invited to contact the undersigned at (202) 912-2000 should there be any questions.

Respectfully submitted,

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